

ADA with ROW Sequencing Process

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ADA with ROW Sequencing Process

Frequently Asked Questions

1. What is the ADA with ROW Sequencing Process and why was the process established?

The ADA with ROW Sequencing Process provides an avenue for Project Managers to sequence the ADA work associated with a limited scope pavement resurfacing project into a separate construction contract. The steps associated with the process are detailed in the Limited Scope ADA with ROW Impacts Process Workflow, which can be accessed at the following web link:

http://www.state.nj.us/transportation/capital/pd/documents/Limited_Scope_ADA_with_ROW_Impacts_Process_Workflow.pdf . The process was established to address issues that arise when pavement resurfacing projects are not completed within sufficient time to restore pavement conditions. Two primary issues are: (1) continued pavement deterioration resulting in more costly pavement restoration efforts (e.g., full pavement reconstruction); and, (2) the need for interim pavement restoration by the Department's Operations Divisions to adequately maintain roadway pavement conditions until the pavement resurfacing project is completed. These issues lead to additional costs and extend the period of time for addressing the traffic safety and operational concerns associated with deteriorated pavement conditions.

2. How much mapping needs to be completed during Concept Development to evaluate Right-of-Way (ROW) needs for ADA compliance?

In general, mapping during the Concept Development Phase will be limited to as-built plans, tax maps, and any existing aerial mapping available through such databases as NJGIN's Information Warehouse (https://njgin.state.nj.us/NJ_NJGINExplorer/IW.jsp?DLayer=NJO). From those sources, a preliminary evaluation of the need for right-of-way, to accommodate ADA work, can be completed. When those sources indicate that right-of-way will be needed to accommodate ADA work, the Project Manager, after coordinating with Right-of-Way, Design Standards, and Pavement Design Offices, (as outlined in the ADA with ROW Sequencing Process) may recommend sequencing the ADA work to the Capital Program Screening Committee (CPSC), when the project is presented for graduation from Concept Development to Final Design.

3. When during the Capital Project Delivery (CPD) process will detailed mapping be completed?

For limited scope resurfacing projects, the standard project delivery process network (<http://www.state.nj.us/transportation/capital/pd/documents/LimitedScopeFDPhaseNetworkDiagram.pdf>) shows detailed mapping occurring at the very beginning of the Final Design Phase (i.e., Conduct Topographic Survey, Activity No. 3020) along with Preparing Control Survey Report (Activity No. 3015). Although this is the standard approach, it is important to keep in mind that mapping needs can be augmented during the Concept Development Phase, if found necessary by the Project Manager, as follows; for instance, Activity 200, Determining Mapping Level and Resources Required states the following: "The Project Manager will determine the needs based on availability of funds, transportation needs, study complexity and severity of potential fatal-flaw." (<http://www.state.nj.us/transportation/capital/pd/documents/CDPhaseActivityDescriptions.pdf>).

4. At what point in the CPD process do we sequence the ADA work when ROW is required?

Sequencing of ADA work could advance as early as the Concept Development Phase, should it be apparent that ROW is required to accommodate the work. The next likely time for sequencing ADA work is during the early stages of the Final Design Phase, when, during completion of the topographic survey (Activity No. 3020), it is found that right-of-way will be required to accommodate the ADA work. During later stages of the Final Design Phase, while supplemental surveys are being conducted, there may be a late discovery of the need to purchase right-of-way, which could lend support to sequencing the ADA work.

5. What is the best time to do the ADA sequencing?

Whenever it becomes apparent that ROW will be required to accommodate ADA work, the Project Manager should conduct coordination with the Design Standards, Right-of-Way and Pavement Design Offices, as outlined in the ADA with Sequencing Procedures, to ascertain if sequencing of the ADA work is justified.

6. What options do we have for sequencing the ADA work?

Currently, the major options for sequencing ADA work include: (1) preparing a separate set of construction contract documents through the designer originally selected for the project, to complete the ADA work as a separate contract; (2) issue a maintenance work order through Road & Bridge Contract Administration to complete the ADA work; and (3) include the ADA work in another active capital project. The Division is also working directly with Road & Bridge Contract Administration to include ADA work in a future Job Order Contract (JOC) Catalog. When in place, the JOC would provide another avenue for sequencing the construction of ADA work.

7. What are the major factors and considerations for identifying the best option for sequencing the ADA Work?

This comes down to the Project Manager's judgement. Some factors to consider include:

- The scope, complexity and anticipated costs associated with the ADA work.
- The number of ADA non-compliant locations.
- Anticipated construction duration of the first contract.
- Traffic safety and operational concerns, such as those associated with accident data history.

8. Who will design the ADA work that is sequenced?

As outlined in the new ADA with ROW sequencing procedures, the ADA work will be designed by the design consultant originally selected for the Limited Scope Resurfacing Project, or by in-house personnel for in-house projects.

9. When ADA work is to be sequenced do we need to present at the CPSC?

Yes, sequencing of ADA work on a project requires a presentation to the Capital Program Screening Committee (CPSC), and eventual approval from the Capital Program Committee (CPC).

10. What supporting information should accompany the memo to the CPSC?

In addition to typical components, the following elements need to be included in the CPSC package: (1) Pavement Design Office's guidance on the criticality of completing the pavement resurfacing; and, (2) how the ADA work will be sequenced (stand-alone project, maintenance work order, etc.), along with preliminary schedule and cost estimates. The latter items are needed to program funding for the ADA work that will be sequenced.

11. Does FHWA need to review the Capital Program Screening Committee (CPSC) package, prior to the CPSC Meeting?

No, FHWA does not need to review CPSC packages that propose sequencing of ADA work. FHWA will review such proposals when they are presented to the CPSC.

12. How will the Technically Infeasible Form work?

The Technically Infeasible Form (TIF) has been revised to include a check-off for "Right of Way (Temporary Infeasibility)", to indicate when ADA work is being sequenced due to ROW constraints. For more details on how the form is to be completed, see the Limited Scope Project Delivery Guideline at:

<http://www.state.nj.us/transportation/capital/pd/documents/LimitedScopeProjectDeliveryGuideline.pdf>

13. Does each corner of an intersection require a separate Technically Infeasible Form (TIF)?

Yes, each corner of an intersection requires a separate TIF.

14. Does the ADA with ROW sequencing apply to microsurfacing projects or slurry seal projects?

Microsurfacing projects are subject to ADA compliance, so ADA with ROW sequencing may be applicable for such projects. Slurry seal projects, however, are not subject to ADA compliance since they are not considered alterations.

15. Who is the point of contact at Maintenance and Operations for advancing a Maintenance Contract for sequencing the ADA Work?

John Longworth of the Bureau of Road & Bridge Contract Administration is the point of contact for coordinating a maintenance contract for ADA work.

16. Upon sequencing the ADA work, will there remain one project (one job number) with two construction contracts; or, two projects with two different job numbers?

Upon sequencing the ADA work, there will be two different job numbers: the job number for the parent project, remaining with the resurfacing work; and, a new job number for the ADA work contract. There also will be two separate UPC numbers: the original UPC No. for the parent project and a new UPC No. for the ADA work contract.

17. Since the ADA sequencing work will use the original funding agreement, should the end date associated with that funding agreement be revised?

When ADA work is sequenced, the end date associated with the original federal funding agreement should be reevaluated and revised, in accordance with the project delivery and construction time frames anticipated for the sequenced ADA work.

18. Can we issue a construction change-of-plan, after a project's construction contract is awarded, to complete needed ADA work?

The issuance of a construction change-of-plan is an option for completing needed ADA work. Like other options, the Project Manager is to apply her/his judgement in assessing such factors as the cost, benefits, and risks of pursuing this option in relation to other options available for completing the ADA work. This option also must be administered in accordance with all Federal Aid Highway Program requirements.

19. How will the Concept Development Report (CDR) and NEPA Environmental Documentation be handled for ADA work that is sequenced?

During the Concept Development Phase, one CDR will be prepared, covering the proposed resurfacing and ADA work, as described in the Preliminary Preferred Alternative (PPA). The original environmental document, typically a Categorical Exclusion Document (CED), also will cover the resurfacing work and ADA work outlined in the PPA. After the Capital Program Committee (CPC) approves sequencing of the ADA work requiring right-of-way, two contracts will be advanced, as follows: the resurfacing work and ADA work not requiring right-of-way will proceed as one construction contract, to be delivered within the timeframe needed to address the pavement conditions; and, the ADA work requiring right-of-way will proceed as a later construction contract to effect compliance with ADA requirements. Funding authorizations required for each contract typically will be obtained through the issuance of Environmental Reevaluations that tie back to the original CED completed for the entire scope (i.e., resurfacing and ADA work). However, for more complicated circumstances, such as when the ADA work to be sequenced impacts historic resources or parklands, the Department's Bureau of Landscape Architecture & Environmental Solutions is to be contacted to determine if a new CED is required for the ADA contract. Such circumstances are expected to be encountered infrequently.